



Eurojust record of processing activity

Record of processing personal data activity, based on Article 31 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

Part I –Article 31 Record (this part is publicly available)

Nr.	Item	Description
Processing of personal data in the context of administrative inquiries and disciplinary proceedings		
1.	Last update of this record	June 2020
2.	Reference number [For tracking, please contact the DP Office for obtaining a reference number.]	AD – 02 (June 2020)
3.	Name and contact details of controller [Use functional mailboxes, not personal ones, as far as possible - this saves time when updating records and contributes to business continuity.]	Administrative Director of Eurojust Postal address: P.O. Box 16183 – 2500 BD The Hague The Netherlands Office address: Johan de Wittlaan, 9 2517 JR The Hague The Netherlands Email: adconfidential@eurojust.europa.eu
4.	Name and contact details of DPO	dpo@eurojust.europa.eu
5.	Name and contact details of joint controller (where applicable) [If you are jointly responsible with another EUI or another organisation, please indicate so here (e.g. two EUIs with shared medical service). If this is the case, make sure to mention in the description who is in charge of what and whom people can address for their queries.]	N/A
6.	Name and contact details of processor (where applicable)	N/A

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	<p>[If you use a processor (contractor) to process personal data on your behalf, please indicate so (e.g. 360° evaluations, outsourced IT services or pre-employment medical checks).]</p>	
7.	<p>Purpose of the processing</p> <p>[Very concise description of what you intend to achieve; if you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).]</p>	<p>In accordance with Article 5(1)(b) of Regulation 2018/1725, processing is necessary for compliance with a legal obligation to which the controller is subject</p> <p>If a staff member has allegedly acted in bad faith either intentionally or through negligence, he or she may be confronted with a potential breach of the Staff Regulations. Eurojust may launch an administrative inquiry in order to verify whether there has been serious misconduct, fraud or any other irregularity affecting the financial or other interests of the EU.</p> <p>Eurojust processes personal data at the preliminary assessment stage (pre-inquiry), when the Administrative Director is informed of a situation with a possible disciplinary dimension.</p> <p>Following the preliminary assessment, an administrative inquiry may be opened by the Administrative Director either on his own initiative or at the request of a Head of Unit, Service of Office. The purpose of the administrative inquiry is to establish the facts. Annex IX to the Staff Regulations provides that the appointing authority shall open an administrative inquiry and initiate disciplinary proceedings if justified. The Eurojust Decision laying down General implementing provisions on the conduct of administrative inquiries and disciplinary procedures of 23 September 2013 sets forth the legal basis for the conduct of administrative inquiries.</p> <p>Once the Appointing Authority decides to open an inquiry, he appoints an investigator to carry out an inquiry and a person responsible for the inquiry. The staff member responsible for the inquiry shall be the Head of the Legal Affairs Unit unless deemed inappropriate in the circumstances by the Administrative Director in which case the Appointing Authority shall designate another staff member as being the staff member responsible for the inquiry. An inquiry file is created collecting facts and where</p>

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		<p>necessary witness statements of the events.</p> <p>On the basis of the report produced by the investigator, the Administrative Director may decide to initiate disciplinary proceedings before the Disciplinary Board. Article 86 of the Staff Regulations and its Annex IX, as well as Articles 50a and 119 of the Conditions of Employment of Other Servants set forth the legal basis of the disciplinary proceedings.</p>
8.	<p>Description of categories of persons whose data are processed and list of data categories</p> <p>[In case data categories differ between different categories of persons, please explain as well.]</p>	<p><u>Categories of staff:</u></p> <p>All staff members involved in events with a possible disciplinary dimension (including the person being investigated, witnesses, and alleged victims) and any other persons quoted in the file.</p> <p><u>Data categories:</u></p> <p>Basic personal information about the staff member concerned and other staff members involved, such as surname, first name, gender, age, name of line manager, hiring date, contractual category and grade, organisational entity;</p> <p>Allegations, declarations;</p> <p>Sensitive data (such as data concerning health, etc.);</p> <p>Emails exchanged by the affected individuals;</p> <p>Witness statements;</p> <p>Names of the administrative investigator and of the members of the Disciplinary Board.</p>
9.	<p>Time limit for keeping the data</p> <p>[Indicate your administrative retention period including its starting point; differentiate between categories of persons or data where needed (e.g. in selection procedures: candidates who made it onto the reserve list vs. those who did not).]</p>	<p>Data contained in the inquiry and disciplinary files are kept for a maximum of 10 years after the closure of the case in order to allow a harmonised application of the Staff Regulations.</p>

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10.	<p>Recipients of the data</p> <p>[Who will have access to the data within Eurojust? Who outside Eurojust will have access? Note: no need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).]</p>	<p>Personal data processed in the context of administrative inquiries and disciplinary proceedings may be disclosed to the Administrative Director, the Disciplinary Board, the investigator, the staff member responsible for the inquiry and other persons involved in the inquiry.</p> <p>If the staff member concerned contests the disciplinary decision, the disciplinary file may be referred to the Court of Justice of the European Union. Data may be sent to the Ombudsman, if the staff member concerned addresses a complaint.</p>
11.	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p> <p>[E.g. processor in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult DPO for more information on how to ensure safeguards.]</p>	<p>No</p>
12.	<p>General description of security measures, where possible.</p> <p>[Include a general description of your security measures that you could also provide to the public.]</p>	<p>Technical measures include storing the case files electronically in a restricted area of the Document Management System. All processing operations are carried out pursuant to existing policies describing access control to different Eurojust applications.</p> <p>Only persons with a legitimate ‘need to know’ for the purposes of this processing operation have access to the personal data. Organisational measures include the use of locked closets, confidential settings in the emails and printing with badging.</p>
13.	<p>For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:</p> <p>[While publishing the data protection notice is not strictly speaking part of the record, doing</p>	<p>Please refer to Data protection notice</p>

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	so increases transparency and adds no administrative burden, since it already exists.]	